

Milton Town Council Meeting August 3, 2015 Summary Minutes

Call to Order

The meeting was called to order in the Milton Public Library at 6:30 PM on August 3, 2015 by Mayor Jones. A moment of silence was then observed, followed by the pledge of allegiance to the flag.

Roll Call:

Theodore Kanakos, present
Emory West, present
Esthelda Parker-Selby, present
Michael Cote, absent
Sam Garde, present
Marion Jones, present
Seth Thompson, the Town Solicitor was also present

These Preliminary Minutes:

These summary minutes cover the high points of the meeting. Since the discussions were not recorded in their entirety, these minutes, when approved, will serve as the final minutes of the meeting. Documents included in the Council Package are not included as attachments to these preliminary minutes.

Public Participation:

Jeff Dailey, 211 Grist Mill Drive made several comments, including:

- A reminder that rules for pedestrians and bicyclers exist and that such rules could be included in routine mailings, such as the water bills, to remind drivers of their obligations to respect such rules.
- Opined that the last water bill mailing could (and should) have contained an announcement that the budget would be discussed at the meeting of Mayor & Council on Aug 3.
- Opined that towns with Town Managers would probably include wide circulation of the agenda for Council meetings that include budget discussions to obtain maximum citizen participation.
- Opined that Mayor & Council should be happy that so many people are in attendance tonight. Further opined that Mayor & Council appear to disdain such broad participation.

Cliff Newlands, 110 Oysterman Drive made several comments, including:

- Noted that taxes were raised 20% in 2012 and an additional 11% in 2014.
- Opined that that was enough and that taxes should not be increased again in 2015.

Bob Blaney, 210 Chandler Street made several comments, including:

- Opined that the citizens should stop fighting Town Hall, and start working with our elected officials to gain the outcomes they seek.

- Opined that Mayor & Council should consider forming an ad-hoc committee consisting of the sitting mayor & treasurer as well as past mayors & treasurers to participate in the budget cycle, and options for increasing the tax base, rather than actual taxes.
- Opined that Mayor & Council should consider interviewing the current Town Clerk for Town Manager, as in his opinion, she is doing a better job than any Town Manager Milton has had since Hal Godwin.
- Opined that the Personnel Committee consider using the Delaware Police Chiefs Council to assist in the hiring of our new Police Chief.

Steve Crawford, Ridge Road made several comments, including:

- Requested Mayor & Council reconsider the location of the Governor's Walk sign, and suggested a better location might be the walkway adjacent to the Library.
- His reasons included the less than esthetically pleasing location of trash cans, utility boxes, pigeon droppings, etc.

Jim Welu, 30263 East Mill Run made several comments, including:

- Opined that putting potential uses for 112 Federal Street on the website and Council Meeting agenda was insufficient, and that broader opportunity should have been given to the citizens to make recommendations.
- Opined that 112 Federal St. should be sold, since his opinion is that we do not have a viable use for it.

John Oates, 115 Arch Street made several comments, including:

- He had heard that the Developer of Heritage Creek planned to use different materials for the top coating for the alleys and streets.
 - Greg Wingo replied that the specs call for the same top coating.
- He questioned why the Developer of Heritage Creek thinks the lighting in the alleys will be the responsibility of the HOA, and not the Town.
 - John Collier responded that the Master Plan for Heritage Creek, as approved by P&Z and the Town, allocated such responsibility to the HOA.

John Hopkins, III, President of the Milton Volunteer Fire Department (MVFD), made several comments, including:

- Opined that the MVFD and Mayor & Council should increase cooperation re the pumping station.
- Indicated that the MVFD bought the land across the street from the current location and the lot across Front Street to allow for future expansion of the MVFD, and that the MVFD would allow citizens to park on MVFD land if/when no other parking facilities were available.
- Indicated that the wrecked cars often seen on MVFD property were used for training of their personnel.
- Generally wanted to let citizens and staff of the Town that the MVFD is here for all.

Maurice McGrath, 137 West Shore Drive made several comments, including:

- Opined that citizens should be involved in the budget process.

- Understood that the current draft budget was just a draft and would not be approved tonight.
- Opined that a letter should be sent to County Council in opposition to rezoning the Overbrook Town Center property.

Additions or Corrections to the Agenda:

There were no additions or corrections to the Agenda brought forward.

Agenda Approval:

A motion was made, seconded and unanimously approved to approve the Agenda as presented.

Presentation and Approval of Minutes: Transcribed Minutes January 21, 2015; Preliminary Minutes dated July 6, 2015; Executive Session Minutes June 22, 2015:

- On page 14 of the transcribed minutes for 1/21, at the top of the page, Councilman Garde speaking, insert the word “not” between “ordinance” and “under”.
- On page 20 of the transcribed minutes for 1/21, at the top of the page, Councilman Garde speaking, insert the words “regulations, but I have a specific question regarding compliance with the regulations specifically applicable to asbestos” after the words “all the correct ...” While this insertion is probably not the exact wording used, it does convey the meaning of the missing words, as is confirmed by the balance of that discussion.
- Kristy Rogers explained when 3 periods (...) appear in the transcribed minutes, those indicate that the person speaking was interrupted; the 3 periods are not representing the recording being inaudible.
- A motion was made, seconded, and unanimously approved by those voting to accept the transcribed minutes of January 21, as amended to make the corrections noted above. Councilman Kanakos did not vote since he was not on Council on the date of the meeting, and Councilwoman Parker-Selby did not vote, since she did not attend that meeting.
- On page 5 of the Preliminary Minutes dated July 6, under New Business, change the spelling on the first line of paragraph a to “Kathryn Greig”.
- A motion was made, seconded and unanimously approved to accept the Preliminary Minutes of July 6, as amended to make the corrections noted above.

Mayor’s Report:

- Reminded the public of the MVFD Ladies Auxiliary street dance was scheduled for Friday, August 7, 2015 from 7:00 PM until 11:00 PM.
- Reminded the public of the “Night Out” scheduled to be held in Milton Park on Wednesday, August 5, hosted by the Milton Police Department and Neighborhood Watch. The Food Bank of Milton will have an area to drop off nonperishable items.
- A letter was received from John Peach, Ship Model Club, seeking expert volunteers to assist in offering advice on how the Broadkill River and Town of

Milton may have looked in the 16th and 17th century. In addition to the letter, photos were received and are available to view.

Discussion of Written Committee Reports:

The only written committee report included in the Council package was from the Economic Development Committee. The EDC report was reviewed; comments included:

- Councilman Garde questioned whether EDC intended for the New Business Advisory Role to become part of a Town Policy. The response was that it was not considered necessary to formally issue a Policy. The intent is for EDC to facilitate communications with potential new business owners and the requirements of the Town.
- Councilman Garde requested the Town Solicitor to confirm who owns the trees along Union and Federal Streets.

Department Reports: Administrative, Code Enforcement, Project Coordinator, Police, and Public Works:

The reports were reviewed by Mayor & Council; comments included:

- Town Clerk's report: Councilman Garde asked that the phrase in second sentence in the third paragraph be changed from "once adopted the tax rate will increase from .24 per \$100 of assessed value to .303 per \$100 of assessed value" to "if adopted as is, the tax rate will increase from .24 per \$100 of assessed value to .303 per \$100 of assessed value."
- Code Enforcement report: a question was asked and the Project Coordinator responded that a building permit had been issued for a new home in Merriweather.
- Project Coordinator report: Councilman Kanakos asked if any complaints had been received from renters since the issuance of the new regulations. Project Coordinator Collier responded that no complaints had been received as of the date of the meeting.
- No other additional comments were made on any of the Department reports.

Finance Report and Revenue/Expenditure Report:

No finance report was included in the Council package. Kristy Rogers explained the finance report will be prepared and presented for discussion at the next Council meeting. She is awaiting a response from the accounting software host before finalizing the monthly reconciliations.

Old Business: Discussion and Possible Vote on the Following Items:

a. Task order relating to the Comprehensive Plan

A Task Order prepared by Pennoni had been included in the July 6 Council Package. Discussions included:

- The Planning & Zoning Commission (P&Z) reviewed the draft Task Order (TO) at their last meeting and recommended that the Pennoni Planner be given all of the relevant documents and time to review them, and then to make a further recommendation on the level of effort required to complete.

- Since the Pennoni Planner thought that only 20 to 30 hours would be required to complete the review, P&Z thought about requesting a limited TO for 40 hours.
- Mayor Jones opined that the Town should not hold up the process in order to produce different Task Orders for revised scopes, and opined that the current draft Task Order, since it was all inclusive, is satisfactory to execute and only spend the amounts required to achieve the stated goal.
- Councilman Garde opined that if the Town signed the current draft Task Order, they could issue a limited Notice to Proceed for an effort not to exceed 40 hours for the review.
- Councilman Kanakos discussed the possibility of issuing an RFP to a number of other consultants who have the required skill-set to help Milton complete the Comprehensive Plan.
- A member of P&Z reminded the Mayor & Council that Pennoni had already been involved in providing pro-bono support, and that they were already familiar with our out-reach to our citizens and the great deal of effort already expended by P&Z.
- A motion was made, seconded and unanimously approved to sign the existing draft TO and provide the documents to Pennoni for their review, knowing Pennoni would only perform those services individually requested under the master TO.

b. Amendments to Town Code Chapter 136, Housing Standards

A copy of the compiled changes to Chapter 136 was included in the Council package, with changes highlighted. The principal changes included a requirement for carbon monoxide detectors in single family and multi-family residential units as well as residential rental units, and a revision to the appeals process in order to mirror the process defined in Chapter 85, Building Construction.

Discussions included:

- On page 5, move the phrase "Installed, furnished or provided by owner or operator at his expense" from under the definition of "UL" to be under the definition of "Supplies"
- On page 15, in Section 136-18 M, change "rental properties" to "Residential Rental Units" in 2 places.
- On page 15, in Section 136-18 M, change the opening part of the last sentence from "All existing rental properties which use a fossil fuel ..." to "All existing single family and multi-family dwellings, including Residential Rental Units, which use a fossil fuel ..."
- Councilman Cote had indicated his preference for not changing the appeals process to the Town Clerk prior to the meeting, since he was not available to attend.
- A motion was made and seconded to approve the revised Chapter 136 as presented, but amended as indicated in the first 3 bullets above. A roll call vote was taken, with the following results:
 - Councilman Kanakos, Yes
 - Councilman West, Yes
 - Councilwoman Parker-Selby, Yes
 - Councilman Garde, Yes

- Mayor Jones, Yes

c. Tasks assigned by Resolution 2015-008 Requesting Recommendations on Potential Sites for Future Water Infrastructure

Councilman Garde, who is also the Chairman of the Water Infrastructure Land Acquisition Committee (WILAC), made a verbal report that included the following highlights:

- The WILAC had met twice since its inception, and introduced the functions of the Committee and their charge.
- The WILAC met with two members of the most recent Land Acquisition Committee in Executive Session to discuss their findings, and current status.
- Past studies are available to the WILAC that had identified potential sites for a new tower, well, and treatment facility.
- The WILAC is still working on their investigations and inquiries.
- The WILAC was hoping that the mapping and planning study currently underway (with partial grant funding) would help in determining the future infrastructure requirements, but the Town Clerk reminded Councilman Garde that the full planning study would not be available until next year.

d. Tasks assigned by Council Resolution 2015-015 relating to the Chief of Police Hiring Process:

A complete written report from the Personnel Committee, including recommendations on a hiring process, was included in the Council Package. Two members of the Committee had met with the Executive Director of the Delaware Police Chief's Council (DPCC) who indicated that his organization would be happy to provide assistance in creating/reviewing the advertisement for the position, and reviewing all applications. Discussions included:

- Councilman West immediately introduced a motion to deny the recommendations if the interview process included members of the Milton citizenry and/or members of the Town Council. His motion was based on past experience. He further recommended that an impartial third party conduct the interviews and make recommendations. This kind of third party process would ensure the citizens of a transparent process and eliminate the possibility of the perception of partiality in the selection.
- Councilman West subsequently withdrew the motion, but not his objection to the process recommended by the Personnel Committee.
- Councilman Garde opined that he had more confidence in Milton citizens to do the right thing when conducting interviews.
- Councilman Kanakos noted that there are many other municipalities looking to hire a new Police Chief at the same time, and was concerned that there may not be a sufficient number of good candidates, since the Town needs the very best candidate to fill the position.
- A motion was made by Councilman West to table the issue until the DPCC could make a proposal to take over the entire process, including conducting all of the interviews, and to make a recommendation on the best applicant. Councilman Garde seconded that motion. The Motion was passed unanimously.

New Business - Discussion and Possible Vote on the Following

a. Citizen Initiated Mural Art Project – Request for donation

A report was included in the Council package that provided a status of the Project, a request for a \$5,000 donation, and the rationale for the request.

Discussions included:

- Despite an indication that he approved the Project, Mr. Charles Jones is not willing to sign the Maintenance Easement drafted by the Town.
- Mr. Steve Crawford, the Project Manager, requested additional time so that Charles Jones' reasons for not signing the Easement could be better understood.
- Council members opined that the Easement was as benign as it could be made.
- Councilman Garde noted that Mr. Crawford had earlier requested \$4,000, and that was a rounded up number using the same percentage of the total cost as the Town donated for the clock.
- A motion was made and seconded to table the request until more information could be provided about the unwillingness to sign the Easement.
- Councilman West recused himself from the vote because he is the President of the Milton Community Foundation, which is handling the financial aspects. The Mayor and other members of Council voted unanimously in favor of the motion.

b. Property Located at 112 Federal Street

A document prepared by Mayor Jones on July 31, 2015 was included in the Council package. Of the recommendations received from the town staff, Mayor Jones opined that two suggestions might merit closer looks. One possibility is making the building handicap accessible and moving the Code Department to the first floor. The other is to develop the back of the property, together with adjacent property owners to increase public parking.

Discussions included:

- Councilman West reminded Mayor, Council, and the public, that he and Councilman Cote both voted against the acquisition of the property at the time of the acquisition.
- After brief discussions, and in consideration of the public comments, Councilman West made a motion to sell the property. Councilman Kanakos seconded. A roll call vote was taken with the following results:
 - Councilman Kanakos, Yes
 - Councilman West, Yes
 - Councilwoman Parker-Selby, Yes
 - Councilman Garde, Yes
 - Mayor Jones, Yes

c. Physical Fitness Equipment Usage Policy (Police Department)

A draft Police Department Policy and a Release & Indemnity Agreement were included in the Council package.

Discussions included:

- Town Solicitor commented that his principal concern was for comments from the insurance company. (His concern was potential liability and whether our insurance covered it.)
- Town Solicitor indicated that Delaware Law generally prefers Worker's Compensation to resolve potential liability cases, where that possibility exists.
- Captain Cornwell indicated that he already had the equipment installed under a grant from the State, as it was needed to promote physical fitness for the officers of the Milton Police Department.
- Captain Cornwell was trying to make the equipment available to Town employees as a positive indication that the Police Dep't was willing to look out for the wellness of all Town employees.
- Captain Cornwell indicated that partnering was recommended by physical fitness professionals, and that his draft Policy considered this by allowing family members to act as "workout partners."
- Councilman Kanakos indicated that he would talk to 302 Fitness in Town to see if they would provide favorable provisions to allow Police (and maybe other Town employees) to use their facilities.
- A motion was made and seconded to table the draft Police Policy pending further information from our insurance company and 302 Fitness. The motion was unanimously approved.

d. Delinquent Tax and Utility Amnesty Program:

A proposed description of an amnesty program to promote payment of delinquent taxes and utility bills was included in the Council package. Since it was originally intended to be discussed at the July 20 meeting, the dates in the written document were adjusted to Aug 3 until Sep 15.

Discussions included:

- Kristy Rogers explained that in 2011, former Mayor Newlands implemented an amnesty program that served as an incentive for citizens to remit payment for principal balances owed to the Town, and all accrued penalties and interest would be waived. The same program was being recommended, but to include any delinquent balance, not just tax accounts.
- The Council members confirmed the suggestion was to waive penalties and interest due on delinquent property tax, utility accounts, and miscellaneous accounts receivable provided the principal was paid during the period from Aug 3 until September 15.
- A motion was made and seconded to approve the temporary tax & utility amnesty program as proposed, but with the adjusted dates. The motion was unanimously approved.

e. Job description of Accounting Clerk II

A proposed draft Job Description was included in the Council package. After a brief discussion which included a suggestion from Councilman Cote' to revise the position title to Senior Accountant, a motion was made and seconded to approve the position description as revised. The motion was unanimously approved.

f. Fiscal Year 2016 Budget and Fee Schedule:

The proposed budget and fee schedule were included in the Council package from the meeting on July 20. No detailed discussions took place on the actual documents. However, a public hearing on the budget & fee schedule was scheduled for August 17, 2015.

Executive Session

- A motion was made and seconded to go into Executive Session. The motion was unanimously approved.
- At the end of the Executive Session, a motion was made and seconded to come out of Executive Session. The motion was unanimously approved.

Discussion and Possible Vote on Executive Session Items:

A motion was made and seconded to go into Regular Session. The motion was unanimously approved.

A motion was made by Councilman Garde, seconded to approve the minutes of the Executive Session of June 22, 2015 as amended. The motion was unanimously approved.

A motion was made by Councilman Garde, seconded to approve the draft agreement as discussed and amended in Executive Session. The motion was unanimously approved.

Adjournment

A motion was made and seconded to adjourn. The motion was unanimously approved.

Approval

These minutes were approved at the Town Council meeting held on September 14, 2015.

Very Respectfully submitted,
James C. ("Sam") Garde,
Secretary of the Town Council

